

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	}	
	}	CASE NO. 11 CR 00004
Plaintiff,	}	
	}	JUDGE: ADAMS, J.
v.	}	
	}	
	}	OBJECTIONS TO THE PRE SENTENCE
ERIC TUTSTONE	}	REPORT
Defendant.	}	

Now comes the Defendant, ERIC TUTSTONE, by and through his attorney, and respectfully makes the following objections to the presentence report dated 1 February 2012 as more fully explained in the attached Memorandum in support.

Respectfully submitted,

____s/J.Kersey_____
James M. Kersey (0017785)
1370 Ontario St.
Suite 1350
Cleveland, OH 44113
(216) 241-3470

ATTORNEY FOR DEFENDANT

SERVICE

Now comes the undersigned and hereby certifies that a copy of the foregoing Objections to the Presentence Report was electronically filed w/ the offices of Duncan Brown, Assistant United States Attorney, 801 W. Superior Ave., Suite 400., Cleveland, Ohio 44113; Kristine M. Lorentz, Probation Officer, United States District Court, Suite 300, 801 W. Superior Ave., Cleveland, Ohio 44113 this ____ day of February 2012.

____s/J. Kersey_____
James M. Kersey

MEMORANDUM

Counsel for Eric Tutstone objects to the following specifics as mentioned in the presentence report by chronological paragraph(s), to wit:

The Assistant U.S. Attorney is Duncan Brown;

Paragraph 8: The portion of what Marie explained did **NOT** include " but it was up to them to decide if they wanted to have sexual intercourse;

Paragraph 10: she informed him she was 18 not 16 and he would not let her move into his house until she was 18;

Paragraph 11: The defendant claims he never told the investigating agents that he lived with 5 women who did various jobs for him such as cooking cleaning and taking care of him.

Paragraph 12: The defendant indicates he never discussed with Marie anything concerning SJ having an orgasm;

Paragraph 14: the \$300.00 was only intended for the party;

Paragraph 15: the defendant denies that Marie also told him SJ was to be used for sex with adult men. It was his understanding this was only for phone sex;

Paragraph 53: The defendant surrendered himself, without incident , at The Willoughby Municipal Court;

Paragraphs 58-77 all reflect in the reports that most of the incidents were either unreported, not prosecuted or dismissed by the court;

Paragraph 95: several of the defendant's children are supported by him.

Respectfully submitted,

S/j. Kersey

James M. Kersey(0017785)
Attorney for the Defendant
1370 Ontario St., Suite 1350
Cleveland, Ohio 44113
(216) 241-3470